

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 NY NOURN, 1:09-cv-01889-SMS (HC)
12 Petitioner,
13 vs.
14 M. LATTIMORE,
15 Respondent.
ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF
CALIFORNIA

18 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
19 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

20 The federal venue statute requires that a civil action, other than one based on diversity
21 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
22 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
23 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is
24 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which
25 the action may otherwise be brought.” 28 U.S.C. § 1331(b).

26 In this case, the petitioner is challenging a conviction from San Diego County, which is in the
27 Southern District of California. Therefore, the petition should have been filed in the United States
28 District Court for the Southern District of California. In the interest of justice, a federal court may

1 transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
2 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
4 District Court for the Southern District of California.

5 IT IS SO ORDERED.

6 **Dated: October 30, 2009**

/s/ Sandra M. Snyder
7 UNITED STATES MAGISTRATE JUDGE

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